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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/303,530	04/30/99	EHRGOTT	G PA99-316-02
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STEVEN B STEIN ESQ  
STEIN & STEIN  
164 ROUTE 10 WEST  
SUCCASUNNA NJ 07876

EXAMINER

GIBSON, R

ART UNIT

PAPER NUMBER

3634

DATE MAILED:

07/20/00

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/303,530

Applicant(s)

Ehrgott

Examiner

Gibson

Group Art Unit

3634

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three<sup>(3)</sup> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-30 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-30 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 3634

1. Claims 3-20, 22, 24-29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is indefinite because it depends from claim 1 which recites that the body portion is capable of supporting a cantilever load.

The subject matter of claim 17 is vague and indefinite because it is not shown in the drawing or described in the specification.

Claim 19 is not understood.

Claims 3-20, 24-29 do not begin properly because they depend from claim 1 which claims "A storage device".

Claim 22 is indefinite because it depends from claim 21 which recites that the receiving member is "metal, wood or plastic".

Claim 30, a method claim, is indefinite because it recites no method steps.

In claim 2, lines 4-5 the recitation "capable of supporting a direct load" is not understood as it is not described in the specification.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

3. A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claim 3 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ehrlich.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4-25, 27, 28, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox in view of Ehrlich.

Body portion 40 of Cox is 'capable' of supporting cantilever or direct load. It would have been obvious to substitute the retention device of Ehrlich, which is the same as applicant's for that of Cox to provide a more secure attachment.

7. Claim 26 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stroh.


8. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox in view of Ehrlich as applied to claim 1 above, and further in view of Klekar.

It is obvious in view of Figs. 6 and 7 of Klekar that the receiving member can be either horizontal or vertical in orientation.

9. The patents to Vanderhoek et al, and Poole are cited to show similar structures.

Gibson-Carmen

July 17, 2000

  
ROBERT W. GIBSON, JR.  
PRIMARY EXAMINER  
ART UNIT 3634